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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/024,932
	Filing Date	December 18, 2001
	First Named Inventor	Bret BERNER
	Art Unit	1617
	Examiner Name	Edward J. WEBMAN
	Attorney Docket Number	3100-0001.20

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 18-0580.
- i. ☐ RCE fee of \$790/395 required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Charge any deficiencies of fees or credit any overpayments to Deposit Account 18-0580.
- b. ☒ Check in the amount of \$ 790.00 enclosed
- i. ☒ RCE fee of \$790 as required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Karen Canaan	Registration No. (Attorney/Agent)	42,382
Signature		Date	June 7, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name (Print/Type)	Mary O'Malley	Date	June 7, 2005
Signature			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Bret BERNER et al.

Confirmation No.: 5481

Serial No.: 10/024,932

Group Art Unit: 1617

Filing Date: December 18, 2001

Examiner: Edward J. WEBMAN

Title: GASTRIC RETENTIVE ORAL DOSAGE FORM WITH RESTRICTED DRUG RELEASE IN THE LOWER
GASTROINTESTINAL TRACT

**AMENDMENT UNDER 37 C.F.R. § 1.111
FILED PURSUANT TO 37 C.F.R. § 1.114**

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the final Office Action mailed on October 7, 2004, please reconsider this application in light of the amendments and remarks set forth in this paper. A Notice of Appeal was timely filed on April 7, 2005, the six-month date of the final Office Action. This Amendment is accompanied by a Request for Continued Examination under 37 C.F.R. § 1.114 ("RCE"). Because the RCE removes the finality of the Office Action, this response is filed pursuant to 37 C.F.R. § 1.111.

LISTING OF THE CLAIMS

Amendments to the claims are set forth in the listing of the claims on pages 2 to 7 of this paper.

REMARKS

Applicants' arguments in support of this application are set forth in the remarks on pages 8 to 10 of this paper.